

Amendment Dated September 12, 2007  
Serial No. 09/740,052

### REMARKS

Reconsideration of the rejection of the claims in this application is respectfully requested. By this amendment, claims 1, 3-10, and 12-18 have been amended. Currently, claims 1, 3-10, and 12-18 are pending in this application.

#### Claim Amendments

In an Amendment filed May 24, 2002, applicants amended claims 3, 5, 8, 9, 12, 14, 17 and 18 into independent form, because those claims were indicated to be allowable if rewritten into independent form. Since then the indication that those claims contain allowable subject matter has been withdrawn. Accordingly, the reason for maintaining 10 independent claims, and the associated difficulty of prosecuting an application with 10 independent claims, no longer exists. To facilitate prosecution of this application and reduce both the Examiner's burden of examining multiple independent claims and applicant's duty to address each of the independent claims, applicants have amended these claims back into dependent form. If applicant can take additional steps to facilitate prosecution of this case, the Examiner is requested to contact the undersigned so that applicants and the Examiner can work together to move this case closer to allowance.

From a substantive standpoint, the amendments to claims 3, 5, 8, 9, 12, 14, 17 (which change these claims from independent to dependent claims) are not believed to be narrowing amendments, but rather are merely a change of format.

#### Rejection of claims under 35 USC 103 over Ma in view of Shah

Claims 1, 3-10, and 12-18 were rejected under USC 103 over Ma (U.S. Patent No. 5,953,338) in view of Shah (U.S. Patent No. 6,678,835). This rejection is respectfully traversed in view of the amendments to independent claims 1 and 10 and the following arguments.

Applicants amended the claims in a paper filed on February 10, 2003, to include language that the VPN server "is configured to at least one of authenticate, encapsulate, and de-encapsulate at least a portion of the packets." Note that on page 1 line 11 of the specification, the term "authenticate" is used to describe a process that includes encryption or decryption. That

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Serial No. 09/740,052

language formed the basis of arguing for patentability of the claims in several papers.<sup>1</sup> The Examiner has now explained that the fact that the claims state that the VPN server is "configured to" perform these functions does not necessarily mean that the VPN server itself performs the functions.

In view of the Examiner's explanation of this claim construction, as set forth in the remarks to arguments section of the Office Action, and because applicants are interested in working with the Examiner to move this case closer to conclusion, applicants have amended claim 1 to state that the VPN server does three things: it assigns bandwidth of the remote link to at least one application group, it meters packets belonging to the application group; and authenticates or encapsulates at least a portion of the packets that belong to the application group. Similar amendments have been made to independent claim 10.

Applicants have presented arguments on several occasions (see papers mentioned in Footnote 1) that Ma and Shah fail to teach or suggest a system or method that assigns a portion of the bandwidth of a remote link, and also handles packets that will pass over the remote link. To avoid making this response overly lengthy, those arguments are incorporated herein by reference. In view of the amendments to the claims, applicants respectfully request that the rejection over Ma and Shah be withdrawn.

#### Conclusion

Applicants are interested in working with the Examiner to move prosecution of this application forward, particularly in view of the new rules on continuation practice. Thus, if possible, applicants would like to discuss this application with the Examiner at the Examiner's convenience. Accordingly, applicants cordially invite the Examiner to call the applicants to discuss this case if the Examiner feels that discussing the case may be helpful in any way, or if it

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<sup>1</sup> According to applicant's file, this language has been the basis of traversing this rejection in the following papers filed by applicant:

Amendment dated February 10, 2003;  
Amendment dated July 31, 2003;  
Amendment dated December 18, 2003;  
Appeal Brief dated June 10, 2004;  
Reply Brief dated November 10, 2004; and  
Amendment dated March 22, 2007.

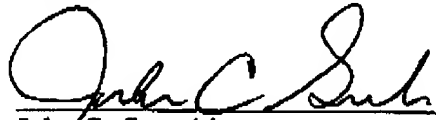
SEP 12 2007

Amendment Dated September 12, 2007  
Serial No. 09/740,052

appears to the Examiner that the amended claims still fail to overcome the art of record. Likewise, if the Examiner has any questions regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref: NN-13361).

Respectfully Submitted



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Dated: September 12, 2007

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